

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned
Group : Not yet assigned
Applicants : Michael Wassenegger et al.
Application No. : Not yet assigned
Confirmation No. : Not yet assigned
Filed : Concurrently herewith
For : NUCLEIC ACID MOLECULES ENCODING
POLYPEPTIDES HAVING THE ENZYMATIC ACTIVITY
OF AN RNA-DIRECTED RNA POLYMERASE (RdRP)

New York, New York
February 8, 2001

Hon. Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to examining this application, kindly amend the application as follows:

IN THE SPECIFICATION

Please add the following paragraph as the first sentence of the specification

directly following the title:

This application is a divisional of United States Application No. 08/811,583 filed March 5, 1997.

On page 1, line 1, above the line which begins "The present invention," please insert --SUMMARY OF THE INVENTION--.

On page 2, line 1, please delete "Background of the invention" and replace therefor --BACKGROUND OF THE INVENTION--.

On page 4, line 1, please delete "Description of the invention" and replace therefor --DETAILED DESCRIPTION OF THE INVENTION--.

On page 28, line 1, please delete "Description of the figures" and replace therefor --BRIEF DESCRIPTION OF THE DRAWINGS--.

On page 30, line 1, please delete "Description of the invention" and replace therefor --EXAMPLES--.

On page 62, line 2, immediately above the claims, please add --We claim:--.

Please delete the Sequence Listing on pages 48-57, and replace with the Sequence Listing submitted herewith. Please insert the replacement Sequence Listing at the end of the specification.

IN THE CLAIMS

Please cancel claims 2-12 without prejudice.

Please renumber pages 58-65 as pages 48-55.

IN THE ABSTRACT

Please renumber page 66 as page 56.

REMARKS

Applicants have amended the specification to make reference to a priority claim to U.S. Application No. 08/811,583 to obtain benefit of an earlier filing date. 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a). Applicants have also amended the specification to improve its form by adding section headings.

Applicants have amended the “General Information” portion of the Sequence Listing to improve its form. Specifically, applicants have corrected the “Applicant,” “Title of Invention” and “Number of Sequences” subsections, renumbered the “Computer Readable Form” subsection, and added subsections regarding “Correspondence Address,” “Current Application Data,” “Attorney/Agent Information” and “Telecommunication Information.” None of these amendments adds new matter.

As required by 37 C.F.R. § 1.821, applicants have also amended the Sequence Listing to add information regarding SEQ ID NOS:3-13. The specification provides support for these amendments at, for example, page 35, lines 20-23; page 36, lines 26-32; page 37, lines 1-2; page 38, lines 11-21; page 42, lines 26-30; page 43, lines 1-2. None of these amendments adds new matter. Applicants request entry of all of the amendments to the Sequence Listing.

Applicants have amended the Sequence Listing, claims and abstract to effect the necessary changes in pagination.

Also filed concurrently herewith is a statement under 37 C.F.R. § 1.821(e) to authorize the use in this application of the computer readable form submitted on December 24,

1997 in parent application U.S. Application No. 08/811,583 ("the '583 application").

Accordingly, applicants submit herewith a statement verifying that the attached substitute paper copy of the Sequence Listing and the last-filed computer readable form submission in the '583 application (submitted December 24, 1997) are the same and do not include new matter. Applicants request that the Patent Office use the last-filed computer readable form submission of the '583 application in the present application.

Entry of the amendments is requested.

Respectfully submitted,



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